

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**DARRELL TYRONE HENDERSON,
AIS # 250606,**

:

Plaintiff,

:

vs.

:

CIVIL ACTION 07-00167-CG-B

STATE OF ALABAMA, et al.,

:

Defendants.

:

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(I) and (ii) because Plaintiff's claims in this action are either frivolous or fail to state a claim upon which relief may be granted.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation recommending the dismissal of this action, this Order adopting the Report and Recommendation, and the Judgment dismissing this action.

DONE and ORDERED this 12th day of September, 2008.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE